

DOCKET NO.: WYNC-0809 (AM100977)
Application No.: 10/670,646
Office Action Dated: December 8, 2006

PATENT
REPLY FILED UNDER EXPEDITED
PROCEDURE PURSUANT TO
37 CFR § 1.116

REMARKS

Claims 1 to 16 are pending in this application. Applicants are herein amending claims 1, 2, 5 and 6 in order to correct typographical errors, canceling claims 7-16, and adding claims 17 and 18. Claim 17 is directed to the compound (llll) in claim 5. Claim 18 is directed a subset of the compounds of claim 5.

Applicants submit that this amendment places the claims in condition for allowance and respectfully requests that these amendments be entered.

Rejections under 35 USC § 112, First Paragraph

Claims 6-16 are rejected under 35 U.S.C. § 112, first paragraph, as allegedly lacking enablement. Although Applicants do not necessarily agree, in order to advance this case to allowance, Applicants are canceling claims 7-16 while reserving the right to pursue the canceled subject matter in continuing applications. It is Applicants' understanding that the cancellation of claims 7-16 will render this rejection moot as it applies to claim 6.

Double Patenting

Claims 1 and 6 are provisionally rejected on the ground of non-statutory obviousness-type double patenting as being unpatentable over claims 1 to 7, 9 to 11, 18, 19, 22 to 24, 26, 31, 32, and 50 of copending U.S. Patent Application 11/194263 (Published U.S. Application 2006/0030612). According to MPEP 1504.06, if a provisional double patenting rejection (of any type) is the only rejection remaining in two conflicting applications, the examiner should withdraw that rejection in one of the applications (e.g., the application with the earlier filing date) and permit the application to issue as a patent. Without acceding to the propriety of the rejection, Applicants respectfully request that this rejection be withdrawn and request that the case advance to allowance.

Applicants respectfully submit that the present application is in condition for allowance. If the Examiner believes that personal communication will expedite prosecution of this application, the Examiner is invited to telephone the undersigned at the number

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provided. Favorable consideration and an early notice of allowance are respectfully requested.

Date: January 31, 2007

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